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ATTORNEYS FOR PLAINTIFFS  
MIGUEL ORTEGA AND BENJAMIN ORTEGA

IN THE UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

MIGUEL ORTEGA, and BENJAMIN  
ORTEGA,

Plaintiffs

vs.

CITY OF OAKLAND, et al.,

Defendants.

Case No.: C 07-02659 JCS (ADR)

**DECLARATION OF ANA ROSA  
ORTEGA IN SUPPORT OF  
PLAINTIFFS' OPPOSITION TO  
DEFENDANTS' PARTIAL SUMMARY  
JUDGMENT MOTION**

Date: September 19, 2008

Time: 9:30 a.m.

Location: Courtroom A, 15<sup>th</sup> Floor

I, ANA ROSA ORTEGA, declare:

1. I am the natural mother of Benjamin and Miguel Ortega, plaintiffs in the above entitled action. I reside in San Lorenzo, California with both Benjamin and Miguel. I over the age of 18, competent, able and willing to testify regarding the matters asserted in this declaration if called to testify. I declare the following through my own personal knowledge.

2. My son Benjamin Ortega was born September 24, 1990 and is a citizen of the United States. My son speaks fluent English.

3. My son Miguel Ortega was born August 4, 1985 and is a legal resident of the United States. Miguel also speaks English fluently.

1           4. Benjamin Ortega was 15 years old, approximately 4'11, 115 lbs and in the 9<sup>th</sup> grade attending  
2 a local high school on the date of the brutal attack by Officer Alcantar May 7, 2006.

3           5. The day after the incident, Miguel told me that the ordeal had frightened and traumatized  
4 him. He expressed feeling out of control, watching his little brother, who was just a small boy, being  
5 violently tortured and attacked by Alcantar for no reason. He didn't understand why such violence  
6 would be used by such a police officer on a boy who posed no threat whatsoever but who had simply  
7 said something about his mama. The attack appeared motivated by vindictiveness and anger on the part  
8 of Alcantar. Miguel felt guilty for not being able to help his brother, Benjamin. He has also voiced to  
9 me that also feels traumatized due to the pistol/electric gun on the back of his head. He told me he  
10 thought he was going to die. He has unresolved anger about how an officer of the law could abuse his  
11 power in that manner.

12           6. For days, if not months, I observed that Miguel issues with sleep. In the beginning it was  
13 insomnia as he wouldn't be able to fall asleep at all. Later as time passed, the insomnia subsided and it  
14 would only occur occasionally but it was still difficult for him to fall asleep. Immediately the day after  
15 the incident, Miguel voiced to me his fear of police officers and the mere sight of a police officer  
16 triggered extreme anxiety, fear and panic. He is deeply embarrassed to tell anyone about his fears. As a  
17 young man he feels that his emotional pain is a sign of weakness. But he expresses this to me and has  
18 from the day after the incident to this day.

19           7. Benjamin was covered by my husband's medical insurance since he was still in school and a  
20 minor and thus I was able to take him to Kaiser for some much needed counseling and psychological  
21 treatment.

22           8. Unfortunately, my older son, Miguel, who also complained several times to me of his  
23 emotional suffering, was no longer covered by his father's Kaiser medical insurance. I am not,  
24 unfortunately, able to finance his treatment myself. And for said reason Miguel has not received the  
25 psychological or medical treatment he needs.

26           9. Miguel has also complained to me about severe back pain since the incident. His complaints  
27 to me began the day after the incident and to this day he continues to suffer from episodes of back pain

1 that affect his ability to stand up straight and has difficulty walking. I have personally observed that this  
2 occurs approximately twice a month. At times, he has difficulties with his job duties and even had to  
3 change jobs due to the physical requirements of the job and his inability to perform those duties due to  
4 his occasional back pain.

5 10. Prior to the incident, Miguel was a happy, care-free, easy-going young man. He loved to  
6 laugh and hang out with friends. After the incident his personality changed; he is now fearful, anxious,  
7 serious, and prefers to stay home. He seems depressed and I worry that he isn't receiving the medical  
8 attention he needs. Due to our financial constraints we are unable to finance this treatment.

9 I declare under penalty of perjury, under the laws of the State of California, that the foregoing is  
10 true and correct, except as to those things stated on information and belief, and as to those things I  
11 believe them to be true.

12 Executed at Oakland, California on 8/27/, 2008.

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14 By Ana Rosa Ortega  
15 Ana Rosa Ortega  
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